

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>FEDERAL TRADE COMMISSION</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO.:</b>
	)	<b>1:04-CV-3294-CAP</b>
<b>NATIONAL UROLOGICAL GROUP,</b>	)	
<b>INC., et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANT HI-TECH PHARMACEUTICALS, INC.’S**  
**MOTION FOR SUMMARY JUDGMENT**

Defendant Hi-Tech Pharmaceuticals, Inc. (“Hi-Tech”), by and through its undersigned counsel, submits this Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1 on the grounds that no genuine issue of material fact exists as to the Federal Trade Commission’s (“FTC”) claims against Hi-Tech.

Accordingly, Hi-Tech is entitled to judgment as a matter of law on each of the FTC’s claims. As factual basis for this motion, Hi-Tech relies on pleadings and papers filed in this action, the facts obtained through discovery, and Defendant’s Statement of Undisputed Material Facts (and cited evidence) filed in support of this motion.

Hi-Tech respectfully requests that this motion be granted, and that the FTC's claims against it be dismissed with prejudice in their entirety.

Respectfully submitted this 24th day of August, 2007.

/s/ Edmund J. Novotny, Jr.

**Edmund J. Novotny, Jr.**

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Weight Loss, Inc.

**CERTIFICATE OF COMPLIANCE**

The undersigned counsel certifies the foregoing document has been prepared with one of the font and point selections (Times New Roman, 14 point) approved by the court in local rule 5.1 (C) and 7.1 (D).

This 24<sup>th</sup> day of August, 2007.

/s/ Edmund J. Novotny, Jr.  
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	)	
<b>Defendants.</b>	)	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Defendant Hi-Tech Pharmaceuticals, Inc. Motion for Summary Judgment has been electronically filed and a Court-issued Notice has been electronically mailed to the following counsel of record:

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This 24<sup>th</sup> day of August, 2007.

/s/ Edmund J. Novotny, Jr.

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